

**Notice of Allowability**

Application No.

10/667,773

Examiner

Andrae S. Allison

Applicant(s)

OKAWA ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed May 16, 2007.
2. ☒ The allowed claim(s) is/are 45-58.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JOSEPH MANCUSO  
INVENTORIAL PATENT EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

1. The following is an examiner's statement of reasons for allowance: After reviewing the remarks made by Applicant in response to the non-final action the Examiner finds the remarks to be persuasive. The most pertinent prior art is Swanson et al (US Patent No.: 5,321,501) and Takahashi (US Patent No.: 6,724,418). Swanson disclose an optical probe system comprising: an optical probe to be inserted into a body cavity, a light source that generates light which is irradiated to an object, a high-magnification observation unit incorporated in the distal section of the optical probe and an image digitization unit that digitizes a luminance signal produced by the high-magnification observation unit. Swanson teaches an image parameter-sampling unit that samples an image parameter from an image, an optimization parameter calculation unit that calculates an optimization parameter on the basis of the image parameter and an image optimization unit that optimizes an image according to the optimization parameter. Swanson also teaches an image display device on which an optimized image is displayed and a digital image preservation unit in which a digital image is preserved. Swanson further teaches a display/preservation selection device that is used to select or designate display/preservation parameters, which determine displaying and preserving an image, on the image display device; and wherein the display/preservation parameters include at least one of: a parameter concerning a display/preservation mode in which at least a specific image is displayed and/or preserved. However, Swanson

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does not expressly disclose wherein the display/preservation selection device is used to select or designate the reference for selection from among: a luminance value represented by a luminance signal sampled by the high-magnification observation unit; an area that is defined within an image range produced by the high-magnification observation unit; a frame image that specifies a certain number of frame images from among time-sequentially consecutive frame images; and a time during which a specific frame image out of time-sequentially consecutive frame images is displayed or preserved. Takahashi discloses a electronic endoscope, wherein the display/preservation selection device is used to select or designate the reference for selection from among: a luminance value represented by a luminance signal sampled by the high-magnification observation unit; an area that is defined within an image range produced by the high-magnification observation unit; a frame image that specifies a certain number of frame images from among time-sequentially consecutive frame images; and a time during which a specific frame image out of time-sequentially consecutive frame images is displayed or preserved. Moreover, neither Swanson or Takahashi disclose a parameter concerning a reference for selection based on which an image to be displayed on the image display device, that is, an object of display and/or preservation is specified; a parameter concerning simultaneously preserved data, that is, data other than an image that should be preserved together with an image displayed on the image display device; a parameter concerning timing of preservation, that is, at what timing an image displayed on the image display device should be preserved; and a parameter concerning blur correction, that is, whether a blur in an image displayed on

the image display device should be corrected; and a control device that controls any one of the light source, image display device, and digital image preservation unit on the basis of the display/preservation parameters, and executes display and preservation. The examiner finds no reason or motivation to combine the above references in an obvious rejection thus placing the application in condition for allowance.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements of Reasons for Allowance."

### ***Conclusion***

The prior art made part of the record and not relied upon is considered pertinent to applicant's disclosure.

Xie et al (US Patent No.: 6,809,866) is cited to teach an optical imaging apparatus.

Izatt et al (US Patent No.: 6,615,072) is cited to teach an optical imaging device.

Aoki et al (US Patent No.: 6,760,110) is cited to teach a low coherent reflect-meter.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571)

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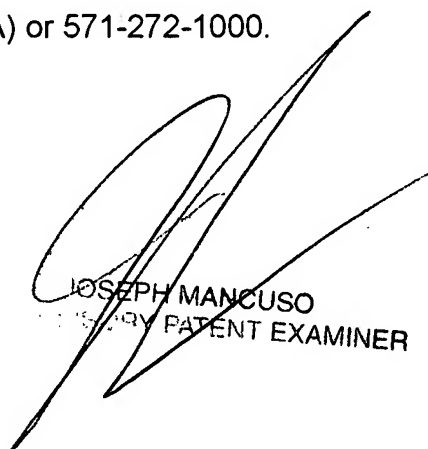
270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison  
May 24, 2007

A.A.



JOSEPH MANCUSO  
PATENT EXAMINER